Remarks:

Drawings:

The Examiner has objected to the drawings because character "318" was used to denote a taper rather than a fill layer. Accordingly, the Applicant has provided a replacement sheet for Figure 10.

Specification:

The Examiner has objected to the Abstract for failing to include that which is new in the art. The Applicant has amended the Abstract accordingly.

The Examiner has objected to Specification because of certain informalities on lines 5 and 16 of page 12. The Applicant has amended this paragraph accordingly.

Claims:

The Examiner has objected to claim 2 for certain informalities regarding lack clear antecedent basis. The Applicant has amended claim 2 to according to the Examiners suggestion.

35 U.S.C. 102(e):

The Examiner has objected to claims 1, 3 and 5 as being anticipated by Hsu et al (US PAP No. 20050068671 A1). As stated by the Examiner 35 U.S.C. 102(e) reads as follows:

"A person shall be entitled to a patent unlesss –

(e) the invention was described in (1) an application for patent, published under section 112(b), **by another** filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent **by another** filed in the United states before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language." (emphasis added by Applicant)

The inventors in the present Application were all inventors in the Hsu reference. Therefore, Hsu reference is not an application filed by "another" and is, therefore, not prior art under 35 U.S.C. 102(e). In addition, the present application was filed less than a year after the filing of the Hsu reference and before the publication of the Hsu reference. Both applications are also assigned to the same entity.

Since claims 2, 4 and 6-11 all depend from allowable claim 1 and merely include additional limitations thereto, they too are allowable over the prior art.

35 U.S.C. 103(a):

The Examiner has rejected claims 2, 4,6-11 and 20 as being obvious in view of Hsu. As stated by the Examiner, 35 U.S.C. 103 states:

"(a) A patent may not be obtained though the invention Is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made."

In order for an invention to be obvious over a prior art reference under 35 U.S.C. 103, the reference must first fall within the parameters of 35 U.S.C. 102 as being prior art. As discussed above, the Hsu reference is not prior art under 35 U.S.C. 102(e). Therefore, claims 2, 4, 6-11 and 20 cannot be rendered obvious by the Hsu reference. Claims 2, 4, 6-11 and 20 are, therefore, allowable over the prior art.

The Applicant sincerely believes that the remaining claims in the present application are now in condition for allowance. The Applicant, therefore, requests a notice of allowance on this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-2587 (Order No. HJS920030270US1).

Respectfully submitted,

By: /Ronald B. Feece/ Date: January 24, 2007

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